

SOLICITOR

AG 120 (Rev. 3/04)

TO: Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	MAY 17 2007 REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court _____ District of Connecticut on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 3:07cv737 CFD	DATE FILED 5/9/2007	U.S. DISTRICT COURT District of Connecticut
PLAINTIFF INNCOM INT'L, INC.		DEFENDANT EXCEL ENERGY TECH., LTD.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,847,691		SEE COMPLAINT
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT	
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CLERK Kevin F. Rowe	(BY) DEPUTY CLERK 	DATE May 15, 2007
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

INNCOM INTERNATIONAL, INC.,)	
Plaintiff,)	Civil Action No.
)	
v.)	COMPLAINT
)	(Jury Trial Demanded)
EXCEL ENERGY TECHNOLOGIES, LTD.))	
Defendant.)	

For its Complaint, Plaintiff, INNCOM INTERNATIONAL, INC. hereby alleges:

THE PARTIES

1. Plaintiff, Inncom International, Inc. ("Inncom") is a corporation organized and existing under the laws of the State of Delaware and having a principal place of business at 227 West Main Street, Niantic, Connecticut 06357.

2. On information and belief, Defendant, Excel Energy Technologies, Ltd. ("Excel") is a corporation organized under the laws of the State of Oklahoma and having a principal place of business at 8282 South Memorial Drive, Suite 303, Tulsa, Oklahoma 74133.

JURISDICTION AND VENUE

3. This claim arises under the Federal Declaratory Judgment Act, 28 U.S.C. §2201 et. seq., and the patent laws of the United States, and seeks a declaration of patent invalidity and non-infringement.

4. This court has primary jurisdiction under 28 U.S.C. §§1331, 1338(a) and 2201.

5. On information and belief, this court has general personal jurisdiction over Excel by virtue of Excel doing business in this state and judicial district.

6. Venue lies within the District of Connecticut pursuant to 28 U.S.C. §1391.

FACTUAL BACKGROUND

7. Excel alleges that it is the owner of United States Patent No. 6,847,691 entitled System and Method for Energy Management which issued on April 5, 2005 ('691 Patent). A copy of the '691 Patent is attached hereto as Exhibit 1.

8. Inncom is in the business of making and installing energy management systems.

9. On January 29, 2007, Mark A. Agee, Executive Vice President of Excel, wrote Inncom for the purpose of informing Inncom of the existence of the '691 Patent and that Excel is the owner of the '691 Patent. At all time relevant thereto, Excel claimed that one or more of Inncom's products may be covered under the '691 Patent and offered to license the '691 Patent to Inncom.

10. Inncom denies that any of its products are covered by the claims of the '691 Patent and denies that the '691 Patent is valid.

11. A case of actual controversy exists between the parties with respect to which Inncom requires a declaration of rights by the court.

12. The controversy relates to the alleged infringement and validity of the '691 Patent, as such allegations have been made by Excel against Inncom. A controversy also exists with respect to whether Inncom must license the '691 Patent.

13. As a result of Excel's accusations and actions, Inncom has a reasonable apprehension that litigation will be brought against it by Excel.

FIRST CAUSE OF ACTION
DECLARATORY JUDGMENT OF NON-INFRINGEMENT

14. Inncom repeats and realleges Paragraphs 1 through 13 and incorporates them into this FIRST CAUSE OF ACTION by reference.

15. Inncom does not directly or contributorily infringe the '691 Patent.

SECOND CAUSE OF ACTION
DECLARATORY JUDGMENT OF INVALIDITY

16. Inncom repeats and realleges Paragraphs 1 through 15 and incorporates them into this SECOND CAUSE OF ACTION by reference.

17. The '691 Patent is invalid.

PRAYER FOR RELIEF

WHEREFORE, Inncom demands judgment against Excel as follows:

- (A) Declaring that Inncom does not infringe the '691 Patent;
- (B) Declaring that the '691 Patent is invalid;
- (C) Awarding Inncom its costs of suit and expenses, including its attorneys fees; and

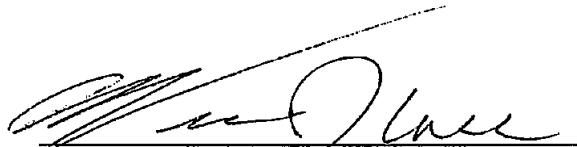
(D) Awarding Inncom such other and further relief as it shall deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

Dated: May 9, 2007

RESPECTFULLY SUBMITTED
THE PLAINTIFF
INNCOM INTERNATIONAL, INC..

A handwritten signature in black ink, appearing to read "William J. Cass", is written over a horizontal line.

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